

To the members of the Judiciary Committee:

Re: Raised Bill 5608 (LCO No. 2787) And act concerning a grandparent's right of visitation with a grandchild.

I am Sean Butterly, a Watertown Connecticut lawyer and former 68th district (Watertown Woodbury) State Representative, 1987, 88 sessions. I have tremendous respect for this body. I congratulate my recent seatmate in the Watertown Board of Education, Eric Berthel, who now holds the 68th District seat. From our work on the Watertown school board, I know Eric loves kids and cares deeply about their wellbeing. I will be copying Eric with this testimony in hopes he can lobby you to help convince you to "JF" this Bill.

I write on this Easter Sunday morning to support this bill. I am writing my draft on a legal pad as my twin six year old grandsons play with their toys from their Easter basket. Their amazing parents are hosting an Easter egg hunt here in their home later today. They are resting while I enjoy my precious Pappy (grandfather) moments. I know these are the best moments of my blessed life. Under present Connecticut law, however, any grandparent including me could be instantly and forever banned from visiting their grandchildren for any reason however arbitrary and hurtful to the grandchildren. House Bill No. 5608 is a very good start in protecting grandparents' visitation rights and hence protecting kids by amending subsection (b) of CGS 46b-59 and allowing a grandparent to petition the court and prove by clear and convincing evidence that, "... compelling circumstances exist that overcome the presumption that the parental decision to deny such visitation is in the child's best interest. (46b-59 (b) (1) proposal language.)

You see, I am a lawyer, but primarily I am an educator. Each day since 1999 I have driven 30 miles south of Watertown to the great high school known as Hamden High. There I teach law to approximately 250 kids each year. There I interact with wonderful social workers, guidance counselors, school psychologists and administrators. We educators are collaborative, not adversarial, in our approach to handling kids. We know instinctively and through data how much grandparents mean to children today. They are a key ingredient to almost every high school kid's happiness and wellbeing. Recently one of my students came back to my class after having a week off. She was devastated; her grandma had died.

Sadly, death is what the current grandparent visitation law engenders in regard to petitioning grandparents efforts to be part of their grandchildren's lives. The legal barriers to the grandparents are almost impossible to hurdle, I speak from experience. In October of 2014 I took 2 of my 3 personal days as a Hamden Educator to try a case pro bono in front of the honorable Judge Moukawsher in the Norwich Superior Court. My clients were the grandparent petitioners who on December 28, 2013 were suddenly and without warning cut off from visiting 2 precious sets of twin grandchildren that were then 6 and 4 years old. We presented evidence to the Judge

that the grandparents, residents of Westerly Rhode Island, had provided the parents of Old Lyme, Connecticut many key items, including a car for transportation to dad's work 50 miles away; rent money and countless hours of interaction with 4 precious children¹. Judge Moukawsher, applying the rigid standards facing grandparents under the present standards of the statutes called these key benefits to the parents and children as "drops in the bucket" not sufficient to allow him to rule in favor of limited (twice a month, 2 hours) supervised visitation. In fact, Judge Moukawsher denied my request to submit a trial brief despite the fact that my opponent, attorney Howard Gould of old Saybrook, did not object to allowing me to submitting my brief. I appealed the Judge's ruling but did not submit my final brief as my clients hoped they could settle their differences with the parents and resume visitation.

Well, sadly, I am writing this testimony on Easter Sunday, March 27th, 2016. The grandparents have not seen their 2 sets of twins, now ages 8 and 6, since December 28th, 2013. Now comes the saddest fact of all- by everyone's admission, the precipitating cause of the cut off of visitation, was that the grandmother at age 64 had been diagnosed with early onset Dementia. Her son thought his children faced danger- even though we always petitioned for limited, supervised visitations. Until her diagnosis, the same son and his wife had designated his mother and her 63 year-old vibrant husband as guardians of the children in the parents' cross wills.

I know this is the "short session" and your time is limited with adjournment pressing in May. I am sorry that I did not get notice of your hearing on this bill until after the March 14th hearing. I urge you to pass this bill. It gives jurists like Judge Moukawsher something else to look at- the compelling circumstances language. With new language like this, I would urge my clients to petition the courts again- it is their only hope! Next year, a hearing should be held on further changes- the standard should be fair preponderance, not clear and convincing. The former reinforces what we educators instinctively know: grandparents are a positive factor in kids' lives! Fair preponderance has only 51% burden of proof in court whereas the legal standard "clear and convincing"- almost 75% .This is not fair!

Sincerely,

Sean Butterly

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¹ Rory we also presented evidence through a child psychological clinic that kids like these 4 young grandchildren will sustain innate sadness by this cut off of visitation as they are and self-assess their roots.